

of the judiciary has come before our Committee and urged the adoption of this selection process.

Now, please bear in mind, in spite of the arguments you have heard, we are dealing under section 5.14 with the selection process. It has absolutely nothing to do with the election process, and we will deal with that later on.

May I point out to you that in our telephone interview with Judge Holt he was asked: "Judge, did fraud and corruption precede the adoption of the Missouri Plan in Missouri twenty-five years ago?"

Judge Holt responded, "Yes, it did."

Fellow delegates, is there any evidence whatsoever of fraud or corruption in the judiciary of Maryland? I submit to you that of course there is not. If there is a bar association in any county of this State that has recommended this procedure, it is yet to transmit its request and its efforts and its advice to us with respect to this; but, on the contrary, we know that the Baltimore County Bar overwhelmingly opposed; we know that the Calvert County Bar overwhelmingly opposed; and we know in Baltimore City when this plan was originally introduced in its original form by Judge Niles that one-third voted for it, one-third voted against it, and one-third said it had some merit, but there were some reservations.

The question was this: Do you want the highest elected officer of your State, the governor, to be solely responsible for the appointment of your judges? Do you want someone you can go to and say, Mr. Governor, we disagree with it, it was a bad appointment.

Or do you want to open the door to having twenty-four nominating commissions and the insidious type of politicking that goes on behind closed doors? The nominating commission answers to no one. The governor may just shrug his shoulders and say, "I am compelled by the Constitution to select one of two persons from this nominating commission." I am not going to vote for a plan like that. I urge you not to vote for a plan like that.

I urge you to adopt the minority committee amendment, which is a very fair compromise on this plan. There is not one State in the entire country that has adopted the Missouri plan in the entire State on all the levels of its courts. I submit to you that Missouri, not Maryland, is the "Show

Me" State. Maryland happens to be the Free State. Let's keep it that way.

THE CHAIRMAN: The Chair recognizes Delegate Mudd.

You have five minutes to close this portion of the debate.

DELEGATE MUDD: I would like to yield the remaining time of controlled debate to Delegate Sherbow to speak in opposition to the amendment.

THE CHAIRMAN: Delegate Sherbow.

DELEGATE SHERBOW: I would like especially to ask the non-members of the bar to listen very carefully to what I have to say. The lawyers have been debating this for a long time. They are aware of the terms. They are aware of the words that have been used. I would like to talk to you, as well as the members of the bar who are here assembled, and talk to you about the history of Maryland.

First, let me say that I am not at all surprised that the minority has said we should adopt this plan for the highest court and the next highest court. This has been the way in which all judicial reform has taken place in Maryland, where the lawyers are concerned. We are a very timid lot when it comes to moving forward, but the people are not timid, and the people all too frequently are way ahead of the bar.

Now, we did have the most disgraceful kind of corruption in the bar of Maryland back in the Civil War days, and it continued until the people would not stand for it any longer; but it was the people of this State who rose up in 1882 in one of the most glorious victories for reform ever in this State ended that kind of political chicanery in our courts.

We had leaders of political parties who controlled our courts, and one of the five judges who fought with this reform movement was the same man who marched at the head of the 6th Maryland Regiment down Pratt Street in Baltimore with only a cane as his protection against the mob that assaulted them. Later he became the great Judge Brown in Baltimore. That was a victory.

If you will read the history of Maryland you will find that it was a victory that was won, and it stayed won.

Then as time went on, and this becomes important, because the minority tells you this is a matter of election and not selection—oh, no. This is a matter of selection.